

73. Status in the folkways. If now we form a conception of the folkways as a great mass of usages, of all degrees of importance, covering all the interests of life, constituting an outfit of instruction for the young, embodying a life policy, forming character, containing a world philosophy, albeit most vague and unformulated, and sanctioned by ghost fear so that variation is impossible, we see with what coercive and inhibitive force the folkways have always grasped the members of a society. The folkways create status. Membership in the group, kin, family, neighborhood, rank, or class are cases of status. The rights and duties of every man and woman were defined by status. No one could choose whether he would enter into the status or not. For instance, at puberty every one was married. What marriage meant, and what a husband or wife was (the rights and duties of each), were fixed by status. No one could alter the customary relations. Status, as distinguished from institutions and contract, is a direct product of the mores. Each case of status is a nucleus of leading interest with the folkways which cluster around it. Status is determined by birth. Therefore it is a help and a hindrance, but it is not liberty. In modern times status has become unpopular and our mores have grown into the forms of contract under liberty. The conception of status has been lost by the masses in modern civilized states. Nevertheless we live under status which has been defined and guaranteed by law and institutions, and it would be a great gain to recognize and appreciate the element of status which historically underlies the positive institutions and which is still subject to the action of the mores. Marriage (matrimony or wedlock) is a status. It is really

controlled by the
mores. The law defines it and gives sanctions to it,
but the law
always expresses the mores. A man and a woman
make a con-
tract to enter into it The mode of entering into it
(wedding) is
fixed by custom. The law only ratifies it. No man
and woman
can by contract make wedlock different for
themselves from the
status defined by law, so far as social rights and
duties are con-
cerned. The same conception of marriage as a
status in the
mores is injured by the intervention of the
ecclesiastical and
civil formalities connected with it. An individual is
born into #